THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4389 of 2006

DATED: 13-03-2006

Between:

Paredi Shivaiah and others …Petitioners

and

The District Collector,

Ranga Reddy District … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4389 of 2006

ORDER:

Declaring the action of the respondents in trying to take forcible possession and interfering with the enjoyment of the petitioners' lands situated in Survey Nos.283/51, 283/49, 283/64 of the petitioners 1 to 3 respectively and Survey No.283/52 of Abdullapur village, Hayathnagar Mandal, R.R.District to the extent of Ac.2.00, Ac.2.05 guntas, Ac.1.20 guntas and Ac.1-28 guntas respectively as illegal and arbitrary, petitioners preferred this writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel for the petitioners submitted that an extent of Ac.2.00 cts each in S.No.283 situated at Abdullapur village, Hayathnagar Mandal was allotted in favour of the persons, viz., Bikshapathy / the father of the petitioners 4 to 6, Sivaiah/the first petitioner, Narasimha/2nd petitioner and Ettaiah/the 3rd petitioner. It is stated that the notices in Form No.1under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977(for brevity 'the Act') were issued to the petitioners 1 to 3 and the notice issued in the name of Bikshapathy was also served on the 4th petitioner. It is stated that none of the petitioners have filed objections for the said show cause notices alleging that the petitioners have contravened the provisions of Sub-Sections 3 and 4 of the Act and later resumption orders have been passed in various proceedings dated
14-07-2005 and 01-03-2006 resuming the lands.

Learned counsel for the petitioners submitted that the show cause notices issued to the petitioners do not disclose the nature of violation of the provisions of Sections 2 and 3 of the Act and the notices itself are dereliction of any material particulars and they never violated any of the provisions of the Act and without justification whatsoever and with *malafide* intention, the said show cause notices have been issued. It is further stated that the petitioners being illiterate and poor persons and merely because the explanations have not been given, but without any reason only on the resumption or presumption that the petitioners have violated the provisions of the Act, the lands of the petitioners have been resumed.

I am not inclined to express any opinion on all these contentions as there is appropriate alternative remedy of appeal is available to the petitioners under Section 4(A) of the Act.

Accordingly, the writ petition is disposed of directing the petitioners to file an appeal under Section 4(A) of the Act within 10 days from the date of receipt of a copy of this order and on such filing, the appellate authority shall consider and dispose of the same in accordance with law and meanwhile the said lands which are said to have

been already resumed shall be protected as it is and maintain *status quo*. The Government Pleader is directed to furnish the copies of the final resumption orders so as to enable the petitioners to file the appeal. No order as to costs.

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V. ESWARAIAH, J.

Dated: 13-03-2006

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